

E

440

.5

.L26

Lane, Joseph.

Speech...on the report of the peace conference.

March 2, 1861.

Washington, 1861.



Class E 440

Book L 26









# SPEECH

OF

HON. JOSEPH LANE, OF OREGON,

ON THE

## REPORT OF THE PEACE CONFERENCE.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 2, 1861.

The Senate having under consideration the joint resolution proposing certain amendments to the Constitution of the United States—Mr. LANE said:

MR. PRESIDENT: I hope I shall be permitted to proceed without interruption, and I trust not to consume much time. While I had the floor yesterday, I stated some of my objections to the proposed amendments to the Constitution which are now before us. They are: that they do not do justice to the whole country—that they do not do justice to all the States. I have always held that the territory is common property; that it belongs to all the States; that every citizen of every State has an equal right to emigrate to, and settle in, the common Territories; and that any species of property, recognized as such in any State of the Confederacy, should have a like recognition in the Territories, and be guaranteed, protected, and secured in its full integrity, to the owner thereof. That this should be so, was the intent of the revolutionary fathers who shaped and framed the Constitution; and it was this principle, more, perhaps, than any other, which called into being that noble compact, which has so long been a bond of Union and goodness between all the States. It is the very life-blood and vitality of the Constitution. It is the ligament that has held us together heretofore, and which, if cut now, will result only in hopeless and immutable disruption. I have never deviated a single iota from this correct doctrine. Had we lived up to this equitable principle—the foundation upon which the Constitution rests, upon which only this Union can be maintained—we should have had no trouble in this country to-day. It is not my fault that trouble and dissatisfaction prevail; it is not my fault that secession has taken place, and that further secession will take place, unless Congress shall recognize this great principle of justice, of right, and of equality. That is the doctrine upon which this Union rests; and it must be maintained, or the connection will be severed.



and I so notified the Senator from Tennessee, who arraigned me here as voting against protecting property, and who did me willful and gross injustice in it—for I voted for it and he voted against it. That is to say, I voted against the resolution introduced by Mr. CLINGMAN declaring "that slave property did not need protection in the Territories," while the Senator from Tennessee voted for it; and when the motion was made to reconsider the vote adopting it in lieu of the fourth resolution of the Davis series, I voted to reconsider, and the Senator from Tennessee voted against it, showing clearly that he was against affording that protection to slave property which the fourth resolution provided for. Did I not maintain the truth? Was I not prophetic in the announcement that I made in this Senate Chamber, then? I said, that unless this great principle of justice, of equality, of the right of every man to the common territory should be maintained, this Union would be broken up. This great principle has not been maintained, but the Union has been destroyed.

But, sir, to go to the votes. It will be borne in mind, and every Senator on this floor will bear me out in my statement, that while the Davis resolutions—the series of which I speak—were up, various propositions were made to amend them, and I voted against all amendments. There are Senators here at this moment who will sustain me when I say that, when in caucus and we had under consideration this series of resolutions, I said, and said it boldly and in plain terms, that if every man from every southern State of this Union would come here and say, for the sake of peace, if you please, or any other reason, he was willing to abandon his equality, his right in the common territory, then, if alone, I would stand and protest against it; protest that he had no right to surrender a constitutional right; that none but a coward would do it; that every man had a right in the common territory; that it was his privilege, and he should never surrender it with my permission. On the other hand, I said that if every northern man in the Senate Chamber—nay, but even every northern citizen—expressed a desire to surrender his right, his equality, his privilege, to go to the common territories with his property, I should enter my solemn protest against it, and insist that he had a constitutional right to go there which he should never surrender with my consent. Then, how any man could assert that I ever entertained the opinion that slavery did not need protection from aggression, is to me the strangest, falsest thing in nature. I said, as I have shown you, that I had voted against all amendments, and would continue to vote against all amendments, or any attempt whatsoever calculated to obstruct the passage of the resolutions; for they asserted the right of the people to go to the Territories, asserted the power of the court to protect them in the possession of their property, and that if the court failed to protect them, Congress should afford the necessary authority to do so.

But, sir, allow me to observe: there was a resolution that I never voted for, and that no man can charge me with ever having



voted for. Senators will recollect—and whoever has read the proceedings of the Senate will recollect—that an amendment was offered as a substitute to the fourth resolution, in these words:

“That the existing condition of the Territories does not require the intervention of Congress for the protection of property in slaves.”

I did not vote for that resolution; but the Senator from Tennessee did. That amendment was adopted in lieu of the fourth resolution of the series that I have read, which insured protection to slave property in the Territories. It was adopted not entirely by Democratic votes; and that there may be no mistake, I will read what the Senator from Massachusetts said when he moved a reconsideration:

“I wish simply to say that I voted for that resolution, because I believed the condition of the Territories requires no such law now or ever, and I do not believe in the enactment of any such law; but my friends on this side of the Chamber have put that resolution in the series; and for myself, I do not wish to be responsible for any portion of these resolutions; and I therefore wish the vote to be reconsidered.”

This was the language of the Senator from Massachusetts, when he found that the Republicans, united with some Democrats, had stricken out the fourth resolution of the series, and inserted this as a substitute. I said to Mr. WILSON on that occasion:

“I desire merely to tender my thanks to the honorable Senator from Massachusetts. The series of resolutions, as introduced by the honorable Senator from Mississippi, are germane one to the other. They are a declaration of principles by the Democratic party. This amendment, as the Senator has said correctly, has been fastened on the Democratic resolutions by the votes of the Republican Senators. I feel grateful, indeed, to the Senator for making the motion to reconsider. I hope the vote will be reconsidered, and the resolution voted down.”

The motion was put, and on the yeas and nays the vote was reconsidered. I voted for the reconsideration, and I voted against the amendment when it was adopted as a substitute for the fourth resolution. Among those who voted in the affirmative for reconsideration were MESSRS. BENJAMIN, BROWN, CHESNUT, CLAY, DAVIS, FITZPATRICK, GREEN, GWIN, HAMMOND, HARLAN, HUNTER, IVERSON, JOHNSON of Arkansas, and LANE. Among those who voted against it, I find JOHNSON, of Tennessee. I did not vote to continue in the series a resolution that refused protection to all the people in the common Territories. Portions of the Journal have been paraded to show the vote on Mr. BROWN's amendment to Mr. CLINGMAN's amendment. I said, in several speeches, that I should vote against all amendments, because the series had been considered not only here, but in a caucus composed of the Democratic Senators of this body, and we had agreed to take them as a whole, and to vote them through altogether if we had the strength to do so. I voted against every proposition to amend. I voted against Mr. BROWN's and I voted against Mr. CLINGMAN's, and I voted against every other amendment that was calculated to weaken or embarrass the passage of the resolutions. Yet I am represented here as having voted against affording protection to slave property in the Territories! I ask again, if any Senator, if any man who can read, can say that the fourth resolution, for w

and for which I struggled and contended, does not declare that slave property shall be protected in the common Territories of our country. I will read it again :

*"Resolved, That neither Congress nor a Territorial Legislature, whether by direct legislation or legislation of an indirect and unfriendly nature, possess the power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common territories, but it is the duty of the Federal Government there to afford for that, as for other species of property, the needful protection; and if experience should, at any time, prove that the judiciary does not possess power to insure adequate protection, it will then become the duty of Congress to supply such deficiency.*

Could anything be stronger? Could any man desire a more direct declaration of principles than this? Upon the yeas and nays I voted for it. I voted against the amendment that was adopted, and afterwards reconsidered. How, then, can a man arraign me before the country as having said upon oath, on the 25th of May last, that slave property should not be protected in the common Territories with other property? I have always held that all property should be protected, slave as well as other property; that it should have the same protection as, and no more protection than, any other property. That they do not secure all this, is the objection I have to the amendments to the Constitution proposed by the peace conference. They are ambiguous, loose, and deceptive. I do not know that the people can comprehend them. There will be no certainty under them; and they would, if adopted, result in endless troubles and litigation. I trust no amendments will ever be made to the Constitution, unless they are made upon principles of right, justice, and equality, so that there can be no mistake in construing them hereafter. If we amend the Constitution, let us do it with a view to the peace of the country, with a view to the harmony of the country, with a view to the security of every interest, and of every State in the Union. If we could do that, and this day amend the Constitution so as to provide expressly that every State should have equal rights in the Territories and elsewhere within the Union, this Confederacy would last forever, the States that have left us would come back, and we should have then a great and a lasting Union indeed. Without it, we never can have a permanent Union. We must do something that is clearly right, or the States that have left us will never return. They never ought to return, unless they can have the right of equality secured to them by the Constitution. I claim for my State just that which she is entitled to, and not a particle more. I would concede to the southern States that to which they are entitled, and not a particle more. That they must have, or there can be no peace, no union, no harmony, no security, and no perpetuity of this Confederacy. Such amendments to the Constitution, securing these objects and principles, are indispensable to the maintenance of the Government as it was formed.

Then why not do right? Why not every southern man ask just that which he is entitled to, and no more? He ought to be



content with nothing short of what he is entitled to; and if he be, he is untrue to his section and his constituents; untrue to the people whose servant he is; and untrue to the institutions of the country; for the country can exist only upon the triumph of such principles. He who is unwilling to deal fairly by the North and the South, is a man who is guilty of shattering and ruining the Confederacy; destroying the peace and harmony and success of this great experiment of ours.

The doctrines asserted in the series of resolutions offered by Mr. DAVIS have not been maintained; and, as a consequence, events have since transpired detrimental to the public peace and welfare of the country, and destructive of its unity. The Union has been in fact broken up. But, although the ship is wrecked, the principles that guided her survive—live, even in the heart of New England. The very doctrines which I have enunciated or advocated are laid down in the resolutions of the late Democratic convention of the State of Connecticut. I send them to the Secretary, and request that they be read.

The Secretary read, as follows:

*"Resolved, That it is the opinion of the Democracy of Connecticut, in convention assembled, that this Government is a Confederacy of sovereign and independent States, based and founded upon the equal rights of each; and any legislation trenching upon the great principle of their equality, is a wanton violation of the spirit and letter of the constitutional compact.*

*"Resolved, That the present lamentable condition of the country finds its origin in the unconstitutional acts and sectional spirit of a great northern party, the principles of whose organization deny to the people of one class of States the enjoyment and exercise of the same political rights claimed and demanded by another class of States; thus ignoring and destroying the great political truth which is the foundation of our Government, and the vital principle of the Constitution of the United States.*

*"Resolved, That the pernicious doctrine of coercion, instead of conciliation, to be applied to the seceding States, which is now advocated and urged by the leaders of the northern sectional party, is utterly at war with the exercise of right reason, matured judgment, and the principles of the Constitution of the United States, and should be strongly resisted by every lover of our common country, by every well-wisher to the best interests of the human race, as opposed to the progress and civilization of the age, as the sure precursor of an internecine war, in which would be sacrificed the lives of hundreds of thousands of our fellow-citizens, the expenditure of countless millions of treasure, the destruction of the moral and commercial interests of our people; and not only utterly fail of its avowed object, the restoration of the Union, but defeat forever its reconstruction.*

*"Resolved, That a restoration of good feeling between the inhabitants of our common country should be, and is, the paramount feeling in every patriotic heart; to that great object should be sacrificed sectional prejudice and the spirit of partisanship; therefore the Democracy of Connecticut earnestly commend to the attention of Congress the propositions of the venerable and distinguished Senator from Kentucky, believing that the adoption thereof, or those of a similar character, would greatly conduce to harmonize the opinions of the North and the South, stay the progress of secession, and to the reconstruction of a now dissevered Union."*

Mr. LANE. Mr. President, in the State of Connecticut the Democracy assert the correct principle, and they charge the trouble in the country to the right quarter. I stated, on a former occasion, that the Democracy of old Connecticut would never join the Republican party in any attempt to coerce the southern States; and I am now authorized by their own declaration to say

again, what I said before, that they, like the Democracy of Oregon and of every other northern State, will never join a party that has refused justice; that has refused equality and right; that has refused to protect property in the Territories, or wherever the jurisdiction of the United States extends, in putting down those who contended for their rights and for the equality to which they were entitled. Sir, the loyal Democracy of this country fully understand the question, and they assert the right.

Now, sir, these great principles were not carried out. The platform on which the Democracy presented their candidates for President and Vice President was not heeded, though based upon the Constitution. I will say to the Senator who has boasted of his efforts in Tennessee in behalf of the Breckinridge ticket, that I shall notice that hereafter; but I have only to say now, that, for the sake of the country, I would to God the ticket had succeeded. We should then have had those principles indorsed upon which the Government is established, and the country would have been at peace. For that alone I wished it to succeed; for, sir, I say in your presence, and in the presence of all here, and before the country, that I never saw the day when I would have tossed a copper for either the Presidency or Vice Presidency, unless it could be obtained upon principles indispensable to the maintenance of this Union. For the sake of the country, then, I say I regret the ticket did not succeed; otherwise, I have no feeling about it.

I will say only a word, now, as to the amendments proposed to the Constitution. I had the pleasure of listening, yesterday, to the distinguished Senator from Kentucky. I know his patriotism and his devotion to the Union. I know his willingness to take anything, however small, however trifling, however little it might be, that would, in his opinion, give peace to the country. Sir, I am actuated by no such feeling. We should never compromise principle nor sacrifice the eternal philosophy of justice. Whenever the Democratic party compromised principle it laid the foundation of future troubles for itself and for the country. When we do, then, amend the Constitution, it ought to be in the spirit of right and justice to all men and to all sections. I voted for the Senator's propositions, and I will do so again, if we can get a vote, because there was something in them; something that I could stand by; but there is nothing in the amendments proposed by the peace conference. He proposed to establish the line of  $36^{\circ} 30'$ , and to prohibit slavery north of it and protect it south of it, in all the present territory or of the territory to be hereafter acquired. In that proposition there was something like justice and right; but there is nothing in the amendments proposed by the peace conference that any man, north or south, ought to take. They are a cheat; they are a deception; they are a fraud; they hold out a false idea; and I think, with all due respect to the Senator—for I have the highest regard for him personally—that he is too anxious to heal the trouble that exists in the country.



He had better place himself upon the right and stand by it. Let him contend, with me, for the inalienable and constitutional rights of every American citizen. Let him beware of "compromising" away the vital rights, privileges and immunities, of one portion of the country to appease the graceless, unrelenting, and hostile fanaticism of another portion. Let him labor with me to influence every State to mind its own affairs, and to keep the Territories entirely *free* to the enterprise of all, with equal security and protection—without invidious distinctions—to the property of every citizen. Thus, and only thus, can we have peace, happiness, and eternal Union.

Then the Senator from Oregon comes. He talked flippantly about "his" people and "his" State, and what they would do. Mr. President, I have lived a long time in Oregon—longer than that Senator—and I have never claimed that the people of Oregon belonged to me. I have never assumed to call them "my people." I am their servant, and I desire to represent them honestly and faithfully, as I have done at all times, and under all circumstances. I pledge them nothing. "My State!" "My people!" Good God, sir! has it come to this, that a Senator who has been there but a short time; who can hardly claim a residence there; who owns no house or land there; who has paid no taxes there, or even worked upon the public roads; who was simply imported like a machine, to political order; who never fought a battle to protect the emigrants and settlers, or to prevent the Indians from committing depredations and outrages there, should have the assurance to get up in his place in the Senate and claim that *his* "people" would trample upon the rights of the South, and join with the Senator and his confreres in their fanatical ranks? I pledge the people of Oregon to nothing. They are a free people; they are a gallant people; they are a sensible people; they are a patriotic people. They had the kindness to send me to Congress, and I have served them faithfully. They are my masters. I shall soon be one of them. We shall soon balance accounts, and I will return and be with them and of them—an honest, industrious farmer, as most of them are. I shall pay my taxes, and discharge all my duties, as a citizen should; and I will be with them whether I am in Congress or out of Congress.

These observations, relative to my colleague, have been a deviation from the regular line of my argument; but I could not avoid noticing the anxiety of the Senator from Kentucky to accept anything, and the readiness of the Senator from Oregon to pledge his people—"my people"—to anything that he chooses. Now, I know there are many free people in the State of Oregon. They generally do as they please. They have no master. No man owns them, and no man can claim to control them. But this I am warranted in asserting—for I know long, well, and intimately, the gallant men of Oregon—that they will not be found

ready or inclined, at the Senator's and his master's beck, to imbrue their hands, for a godless cause, in fraternal gore.

Mr. President, the principles asserted in the resolutions adopted by this Senate, last winter, have not been carried out. We see the consequences. We see a dissevered country and a divided Union. A number of the States have gone off, have formed an independent Government; it is in existence, and the States composing it will never come back to you, unless you say in plain English, in your amendments to the Constitution, that every State in the future Union has an equal right to the Territories and all the protection and blessings of this Government—never. I tell you, sir, although some foolish men and some wicked ones may say I am a disunionist, I am for the Union upon the principles of the Constitution, and not a traitor. None but a coward will even think me a traitor; and if anybody thinks I am, let him test me. This Union could exist upon the principles that I have held and that are set forth in the Davis resolutions; but upon no other condition can it exist. Then, sir, disunion is inevitable. It is not going to stop with the seven States that are out. No, sir; my word for it, unless you do something more than is proposed in this proposition, Old Virginia will go out too—slothful as she has been, and tardy as she seems in appreciating her own interests and her rights, and kind and generous as she has been in inviting a peace congress to agree upon measures of safety for the Union. The time will come, however, when Old Virginia will stand trifling and chicanery no longer. Neither will North Carolina suffer it. None of the slave States will endure it; for they cannot separate one from the other, and they will not. They will go out of this Union and into one of their own; forming a great, homogeneous, and glorious southern confederacy. It is, and it has been, Senators, in your power to prevent this; it is, and it has been, for you to say (you might to-day, as it is the last day, say so,) whether the Union shall be saved or not. I know that gallant Old Dominion will never put up with less than her rights; and if she should, I should entertain for her contempt. I should feel contempt for her if she were to ask for anything more than her rights; and so I would if she were to put up with anything less than her constitutional rights. Then, sir, secession has taken place, and it will go on unless we do right.

Mr. President, in the remarks which I made on the 19th of December last, in reply to the Senator from Tennessee, I took the ground that a State might rightfully secede from the Union when she could no longer remain in it on an equal footing with the other States; in other words, when her continuance as a member of the Confederacy involved the sacrifice of her constitutional rights, safety, and honor. This right I deduced from the theory of equality of the States, upon which rests the whole fabric of our unrivaled system of Government—unrivaled, as it came from the hands of its illustrious framers—a model as perfect, perhaps, as human wisdom could devise, securing to all the



blessings of civil and religious liberty, when rightly understood and properly administered; but like all other Governments, and even Christianity itself, a most dangerous engine of oppression when, having fallen into the hands of persons strangers to its spirit, and unmindful of the benificent objects for which it was framed, it is perverted from its high and noble mission to the base uses of a selfish or sectional ambition, or a blind and bigoted fanaticism. I said, on that occasion—referring to this fundamental principle of our Government, the equality of the States—that as long “as this equality be maintained the Union will endure, and no longer.” I might here undertake to enforce, by argument and the authority of writers on the nature and purposes of our Government, this, to me, self-evident proposition. But I deem it unnecessary to consume the time of the Senate in discussing that branch of the subject.

A certain distinguished Senator, (Mr. TRUMBULL,) in language which, though parliamentary, was not remarkable for good taste, took me to task, a few days ago, for my frequent allusions to “State equality.” I will not again, if I can help it, incur the displeasure of that Senator by referring to a principle of the Constitution which he affects to treat as unworthy of being discussed, or even alluded to in this august body. It may be quite unsenatorial for a member of this body to refer to a great principle of the Constitution. If so—and in the judgment of the Senator it seems to be so—I have committed a mistake. My excuse is, that I forgot at the moment that I was speaking *since* the adoption of the Chicago platform, which seems, in the opinion of gentlemen on the other side, to have superseded the Constitution. I hope this will be received as a sufficient apology for violating the rules of this body, as understood on the Republican side of the Chamber.

I propose, Mr. President, to confine what I have to say in regard to the right of secession to the question: who must judge whether such a right exists, and when it should be exercised? According to the theory of every despotic government of ancient or modern times there is no such right. A province of an empire, how much soever oppressed, is held by the oppressor as an integral part of his dominions. The yoke, once fastened on the neck of the subject, is expected, however galling, to be worn with patience and entire submission to the tyrant’s will. This is the theory of despotism. What are its fruits? We have seen, in modern times, some of the bloodiest struggles recorded in history growing out of the assertion by one party, and the denial by the other, of this very right. Hungary undertook to “secede” from the Austrian empire. Her right to do so was denied. She constituted an integral part of the empire—a great “consolidated” nation, as some consider the United States to be. Being an integral part of the empire, according to the theory of the Austrian Government, she must so remain forever. Austria not having the power to enforce an acquiescence in this doctrine, Russian

legions were called to her aid; and Hungary, on whose gallant struggle for independence the liberty-loving people of this country looked with so much admiration and sympathy, soon lay prostrate and bleeding at the tyrant's feet. You may call this attempt of Hungary to regain her independence revolution. That is precisely what Austria called it. I call it an effort on her part to peaceably secede—to peaceably dissolve her connection with a Government which, in her judgment, had become intolerably unjust and oppressive. Her oppressors told her it was not her province but theirs, to judge of her alleged grievances; that to acknowledge the right of secession would strike a fatal blow at the integrity of the empire, which could be maintained only by enforcing the perfect obedience of each and every part.

We have, in the recent struggle of the Italian States, an instructive commentary on the now mooted question of secession and coercion. Indeed, history, through all past ages, is but a record of the efforts of tyrants to prevent the recognition of the doctrine that a people, deeming themselves oppressed, might peaceably absolve themselves from allegiance to their oppressors. When our Government was formed, our fathers fondly thought that they had made a great improvement on the despotic systems of modern Europe. They saw the infinite evil resulting from coercing the unwilling obedience of a subject to a government which he abhorred and detested. They accordingly declared the great truth, never enunciated until then, that "governments derive all their just power from the consent of the governed." A government without such consent they held to be a tyranny.

Now, Mr. President, this brings us to the very point in issue. Who is to determine whether this consent is given or withheld? Must it be determined by the ruler? If so, the proposition just stated is an absurdity. Clearly it was the meaning of those who enunciated this great truth, that the subjects of a government have the right to declare or withhold their consent; otherwise no such right exists. They and they only, must judge whether their rights are protected or violated. If protected, every consideration of interest and safety, impels them to consent to live under a government which secures the blessings they desire. If, on the other hand, in their judgment, their most sacred rights are violated, interest and honor, and the instinct of self-preservation, all conspire to impel them to withhold their consent, which being withheld, the government, so far as they are concerned, ceases.

Here I would call the attention of the Senate to the first of the Kentucky resolutions of 1798-'99, written by Mr. Jefferson, in which he says distinctly that the parties to a political compact must judge for themselves of the mode and measure of redress, when they consider the compact violated and their rights invaded.

*"Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for spe*



cial purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and is an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its power: but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infraction as of the mode and measure of redress."

Here Mr. Jefferson asserts that a State aggrieved shall judge not only of the mode, but the measure of redress. Is this treason? If the measure of redress extends to secession, how can the Senator from Tennessee (Mr. JOHNSON) do less than denounce the great apostle of liberty—as Mr. Jefferson has been called—a traitor?

No less clear and explicit on this point, is the language of Mr. Madison. Being chairman of a committee to whom the subject was referred—the resolutions having been returned by several of the States—he says in his report:

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges, in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority, of the Constitution, that it rests on this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows, of necessity, that there can be no tribunal above their authority, to decide, in the last resort, whether the compact made by them be violated, and consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."

In the remarks which I made on the 19th of December last, I referred to the fact that Virginia, in accepting the Constitution, declared that the powers granted under that instrument "being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression." I referred, also, to the fact that New York had adopted the Constitution upon the same condition and with the same reservation. I may here quote the language of Mr. Webster, distinctly recognizing the right of the people to change their government whenever their interest or safety require it. He says:

"We see, therefore, from the commencement of the Government under which we live, down to this late act of the State of New York"—

To which he had just referred—

"one uniform current of law, of precedent, and of practice, all going to establish the point that changes in government are to be brought about by the will of the people, assembled under such legislative provisions as may be necessary to ascertain that will truly and authentically."

If the people of a State, believing themselves oppressed, undertake to establish a government, independent of that to which they formerly owed allegiance, and the latter interferes with the

movement, and employs force to prevent such a consummation, no one who acknowledges the great truth that the basis of all free government is the "consent of the governed," will deny that such interference is an act of usurpation and tyranny. Those only who borrow their ideas of political justice from the despotic codes of Europe, and are more imbued with the spirit of Metternich and Bomba than of Jefferson and Madison, will attempt to justify, palliate, or excuse such violation of the sacred rights of the people. I have observed that often the noisiest champions of popular rights are the first to trample those rights under foot. The word "freedom" is continually on the tongues of gentlemen on the other side of the Chamber; and I believe the Senator from Tennessee has been suspected of a decided leaning to agrarianism, so zealous has he been in advocating the rights, so entirely devoted is he to the interests, of the "dear people." But now, when the *people* of the seceding States have pronounced, in tones of thunder, the fiat which absolves them from allegiance to a Government which they no longer respect or love, these same gentlemen all lift their hands in horror, roll up the whites of their eyes, as did old Lord North many years ago, and exclaim "Treason!" "Treason!" Then, boiling with patriotic rage, they rise up and declare that "this treason must be punished; the laws must be enforced." History tells us that this was the language of King George and Lord North when the colonies renounced their allegiance to the mother country. The former of these worthies, we are told, spent much of his life in a State of mental darkness—in other words, he was a lunatic. The other received from nature a narrow intellect, and inherited prejudices common to the aristocracy of that period and of all other periods of the world's history. Their errors were the natural offspring of incapacity and the false teaching received in their youth. While, therefore, we cannot admire or approve of their conduct, these circumstances incline us more to sorrow than to anger, disarm our resentment, and dispose us to forgive what, under other circumstances, would deserve the severest censure.

But what excuse can we find for the peculiar champions of popular rights in this Chamber; these zealous servants of the people, forever ringing in our ears "Let the voice of the people be heard; respect the will of the people; *vox populi vox Dei?*" Sir, I say, too, let the voice of the people be heard and respected. And I think, for the sake of consistency with all my past professions as a Democrat, I am bound to respect the declared will of the sovereign States which, for reasons satisfactory to themselves, have seceded from the Union and established a separate and independent government. Whatever the causes may have been which impelled them to a separation from the other States, I am bound to respect the expression of their sovereign will; and I heartily reprobate the policy of attempting to thwart that will under the pretence of "punishing treason" and "enforcing the laws." We are told that the design is to attempt nothing more



than to collect the revenue in the ports of the seceded States. To say nothing of the justice or injustice of the attempt so to do, I ask Senators from the North and the Senator from Tennessee, *will it pay?* Will it not be a declaration of war against the seceding States, involving the people of all the States in a long and bloody conflict, ruinous to both sections? Are their ethics not the ethics of the school-boy pugilist, "Knock the chip off of my shoulder?"

One of the framers of the Constitution, whose expositions of that instrument all classes, all parties, have heretofore received, and still receive, or pretend to receive, with profound deference and respect, has left on record his views of the injustice, impracticability, and inefficacy of force as a means of coercing States into obedience to Federal authority. The subject being under consideration in the convention which framed the Constitution—

"Mr. Madison observed, that the more he reflected on the use of force, the more he doubted the practicability, the justice, and the efficacy of it, when applied to people collectively, and not individually. A Union of the States containing such an ingredient, seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. He hoped that such a system would be framed as might render this resource unnecessary, and moved that the clause be postponed."—*Madison Papers, Debates in the Federal Convention*, vol. 5, p. 140.

Among the statesmen of the Revolution—those who participated in the formation of our Government—there was no one who had such exalted notions of the power and dignity of the Federal Government, as the great Hamilton. He was a consolidationist. The advocates of coercion might naturally expect to obtain "aid and comfort" from the recorded declarations of one of his peculiar political faith. But an examination of his writings will show, that instead of favoring coercion, instead of being the advocate of force, he was the advocate of leniency and conciliation towards refractory States, and deprecated a resort to force as madness and folly. He said, in a debate on the subject:

"It has been observed, to coerce the States is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts, or any large State, should refuse, and Congress should attempt to compel them, would they not have influence to procure assistance, especially from those States which are in the same situation as themselves? What picture does this idea present to our view? A complying State at war with a non-complying State; Congress marching the troops of one State into the bosom of another; this State collecting auxiliaries, and forming, perhaps, a majority against its Federal head. Here is a nation at war with itself. Can any reasonable man be well disposed towards a Government which makes war and carnage the only means of supporting itself—a Government which can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a Government."—*Elliot's Debates*, vol. 2, p. 233.

I might cite other authorities on this point. But these are enough. If the great names of Madison and Hamilton have not sufficient weight to restrain the madness of those who urge a coercive policy against the seceding States, then, indeed, I see

no escape from that most dreadful of all calamities which can befall a nation—civil war. If those in this Chamber who talk so flippantly of war had seen, as it has been my lot to see, some of its actual horrors, they might, perhaps, heed the warnings and respect the counsels of the sages and patriots whose language I have quoted. They would at least refrain from ungenerous insinuations against the patriotism of those northern Democrats, who, like myself, reprobate the policy of coercion as destructive of the peace, the prosperity, and happiness of every part of the country, north as well as south.

But to return to the remarks of the Senator from Tennessee. In the pamphlet report of his speech, page 7, Jefferson is quoted; but the concluding part of the quotation is repeated in the *Globe* report, and not in that of the pamphlet. That part is:

"When two parties make a compact, there results to each a power of compelling the other to execute it."

Jefferson is here quoted to show that the Confederation has a power to enforce its articles on delinquent States. But the citation is unfortunate for the Senator from Tennessee. He had just previously asserted that Vermont and other States had, by personal liberty bills, violated the Constitution. Well; can he tell us how Virginia and South Carolina could enforce the Constitution on Vermont in that respect? It cannot be done. What follows? Why, as Mr. Webster said at Capon Springs, "a compact broken by one party is broken as to all." Hence, according to the doctrines of Jefferson and Webster as to the actual case which, according to the Senator, has occurred, the compact having been broken, the southern States have a right to retire—are absolved from further obligations under the constitutional compact.

Again: at page 9 of his pamphlet, the Senator from Tennessee asserts the identity of the secession of a State with the whiskey insurrection in Pennsylvania. My God! Mr. President, what can I say to a man that likens the secession of a State to the whiskey insurrection? What argument can you make that would reach such a Senator as this? How can you approach his intellect? How can you get at his understanding? A Senator upon your floor likens the solemn action, the sovereign action of a State in her sovereign capacity, to the whiskey insurrection that occurred in Pennsylvania in Washington's time; an insurrection against the laws of the State when it was attempted to collect revenue. The Governor called on General Washington, then President of the United States, for aid in suppressing the insurrection and enforcing the laws; and the Senator likens that to the action of a State in her sovereign capacity, withdrawing from the Union, meeting in convention and dissolving her connection with her former confederates. Having done this, having passed an ordinance of secession, her delegates go home; no Governor calls upon the President for aid to put down the insurrection or rebellion, for rebellion or insurrection there were none. It was not



insurrection; it was not rebellion; it was the solemn act of sovereign States in their sovereign capacities; and the Senator gets up and likens their action to the whiskey insurrection in Pennsylvania. He tells us that he thinks one ought to be put down as well as the other; but he does not call this coercion; it is only the execution of the laws. All the powers of the Government, he holds, must be used in enforcing the laws; the laws must be enforced whether the State has seceded or not; whether she is in the Union or out of the Union. Well, sir, I am not inclined to argue with a Senator confessedly incapable of discriminating between an insurrection in a State and the secession of a State. I will merely add, parenthetically, that if the new allies of the gentleman from Tennessee had, as good citizens in the previous past, been obedient to the laws instead of having openly violated them, there would now be no necessity of their enforcement by war and extermination against men loyal and brave as ever existed.

He then goes on to assert that the case of South Carolina nullification was identical in principle with the whiskey insurrection; and as the first was quelled by General Washington, by a display of military force, so the latter was by General Jackson.

Now, sir, I will tell you what I think. Whenever it takes a man six weeks to study, and two days to disgorge, he never has a correct idea of what he has been cogitating. He fails to comprehend the simplest problem.

South Carolina passed an ordinance to nullify the tariff laws on and after a certain day. Did General Jackson undertake to enforce those laws on or after that day? No; he approved and signed a bill passed by Congress *before that day arrived, repealing those laws* and adopting the very principles of revenue contended for by South Carolina. So that, as there was no resemblance in the cases, there was none in the adjustment. The State prevailed. Coercion may have been contemplated by General Jackson at first, but his opinions afterward underwent a radical change. Every man who is well acquainted with the history of the country knows that he never would have struck a blow; he never would have fired a gun. His heart had relented after he had made his proclamation. He had approved the law, and then sent a commission, as we all know, to South Carolina, to use all possible means to avert bloodshed. If the question had to be decided by the bayonet, he never would have used it, in my judgment.

Still denying that he is for coercion, the Senator proceeds to assert that what South Carolina has done is treason; and treason, we know, is punishable with death. And yet he proposes to make us believe that to inflict death on a people is not coercing them.

As to the argument founded on the purchase of Louisiana, Florida, California, and the cession of the ground on which the Federal forts stand—that secession cannot be resorted to as applicable to them—the simple answer is, that the right of secession being fundamental and paramount, all those Territories and sites

of forts have been acquired subject to that right, and must abide by it. And in buying, acquiring, or annexing Territories or people, it must always be done subject to the first principles of our Government, for they are more precious than even the golden sands of California, or the sugar islands of the West Indies.

But the Senator does not avoid the difficulties he refers to by denying the right of secession, for they would all result, and with tenfold aggravation, from his principle of the right of revolution. For, as that is a right involving force, each party would, of course, seek foreign alliances, and that would bring the armies and navies of Europe to our shores. Is that the grand result of his policy, which he says is *not* coercion, but only the execution of the laws? Why, the policy of the Senator does not rise one degree above that of the most servile and barbarous Government. The execution of the laws, as he proposes, is only the collection of tribute by force from a conquered people. That is the Turkish system.

I might say here, Mr. President—for there are gentlemen now on this floor that know it as well as myself—I have seen this policy of collecting tribute carried out on the Pacific coast. I happened once to be present when a great Indian tribe came and demanded the tribute it had received annually from the Umpqua people. I saw the process of collection. The chief went all over the country. He divided his bands and sent them to every village and forced them to pay the amount of tribute that he desired; and when they failed to pay it, he carried the delinquents away, and reduced them to slavery. I witnessed that myself. The idea of the Senator collecting tribute or taxes or revenue from the States that have seceded from this Union is not one iota above the barbarous policy of the Clickitats.

Such is the grand result at which a Senator of the United States from a southern State has arrived, backed by the anti-slavery, universal-equality, peace-loving, and super-enlightened Republican organization!

Waiving, now, Mr. President, the references made by the Senator to the extravagant and intemperate expressions of a very few persons in the seceding States, and to which I might oppose those of a multitude of presses and distinguished men in the North, I come to meet his demand to learn the wrongs inflicted on the South. He, himself, admits that the Constitution has been trampled under foot by many of the northern States. Is not that enough? No, he says; he will approach them in a proper manner and request them to abstain. Well, sir, have they not been requested and urged for more than ten years to abstain? How have these requests been treated? They have been met by further outrages. What new process of request, of persuasion, of entreaty, has the Senator discovered that is to stay the torrent and turn back the tide? Is he so profound, so conciliatory, so mighty a master of magic, as to be able to say to the advancing flood of fanaticism: "Thus far and no further shalt thou come; and here



shall thy proud waves be stayed?" He has been in public life for several years. What has been his success in this undertaking? Why, the thing has been continually getting worse; and are we to infer, from his failures thus far, that he is to lead us to future success and safety?

I have the honor of knowing the honorable Senator for ten years, and I have never known him to try to do anything but to give away the public lands, and he has not even succeeded in doing that. I recollect the impression he made on my mind when I first heard him advocate the so-called homestead bill. He will pardon me for mentioning it with all respect. I was then a Delegate. It was on a hot summer day, in the House of Representatives, and there was the distinguished Senator, with his sleeves rolled up, delivering himself of a flaming and characteristic speech. "Land for the landless and homes for the homeless" was then his cry. The Senator has not succeeded in giving away all the public lands; neither has he been fortunate in staying this torrent of fanaticism that has been rolling over the country, and I am afraid he cannot. I am willing to give him the balance of his life to work in, and I hope he may succeed in rolling it back. I hope he will have better success than he has had in depriving the country of its public lands, and giving them away to those that do not deserve them. "Land for the landless, and homes for the homeless!" has been his constant cry.

But while, in one part of his speech, he distinctly charges on the North a trampling of the Constitution under foot, in another part, turning to the South, he exclaims: "Why should we go out of the Union; have we anything to fear? What are we alarmed about?" What, sir! a people like the South, numerically inferior to their associate section in the same Government, have nothing to fear from trampling on the Constitution, the only defence in that Government for a minority against the majority!

But let us be more specific. Let us answer the oft-repeated question as to what the South complains of, and what she fears. She complains, then:

1. That, having \$4,000,000,000 of property in slaves, and \$4,000,000,000 more of real and personal property connected with it, the right to that property, and the protection thereof, are denied by the party that now, under the forms of the Constitution, claims the control of the common Government.

2. That having an immense interest in the common territory of the Union, not only as to its market value, but as to the right of occupation and settlement, that party now claiming the Government has distinctly pronounced for its confiscation, unless the southern emigration shall renounce their own institutions, and adopt those of the North—and this with the avowed design and inevitable effect of overthrowing, gradually, the entire system of southern property, prosperity, and civilization.

3. That the plainest stipulations of the Constitution for the restitution of slave property have been practically set at naught by

the action of State Legislatures, and the perverted public sentiment in the free States.

4. That, while anti-slavery new States are forming rapidly to be admitted into this Union, States like their own are to be excluded altogether hereafter; and they hold that if such States as theirs have no right to be admitted among us, there would be no honor nor safety in their remaining any longer.

5. That, in consequence of the intense and fanatical hostility that prevails in the North against their institutions, many zealots from that region, abusing the freedom of intercourse which the present Union affords, have been, and are now, going among them to stir up insurrection, thus destroying their property, and endangering the safety of their homes, their families, and their firesides.

And in this place—having shown to the Senator from Tennessee what are the complaints of the South—it is proper to refer to an article of the treaty for the cession to us of Louisiana, which the Senator cites to prove that, somehow or other, the people of that State have less right than those of the original States. I have already answered that argument. But this very third article which he quotes, while it does not avail him, shows specifically that the people of Louisiana had a special treaty right, besides the constitutional one, to go with their property into the Territories; the right now denied by the Chicago platform. The article says:

“The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of the rights, advantages, and immunities of citizens of the United States; and, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess.”

Now, before Arkansas was admitted, her people were, by the compromise of 1820, cut off from emigrating with their property to any of their Louisiana territory north of  $36^{\circ} 30'$ . And when the treaty of 1803 was made, all Louisiana territory was slaveholding, and the right was undisputed of migrating from one part of it to another, with slaves; nor was there any pretence of right asserted in this country to exclude slavery from any part of it; so that the people of Louisiana have a peculiar right, or a special provocation, to secede.

Mr. President, the Senator from Tennessee complains of my remarks on his speech. He complains of the tone and temper of what I said. He complains that I replied at all, as I was a northern Senator. Mr. President, I am a citizen of this Union, and a Senator of the United States. My residence is in the North, but I have never seen the day, and I never shall, when I will refuse justice as readily to the South as to the North. I know nothing but my country, the whole country, the Constitution, and the equality of the States—the equal right of every man in the common territory of the whole country; and by that I shall stand.



The Senator complains that I replied at all, as I was a northern Senator, and a Democrat whom he had supported at the last election for a high office. Now, I was, as I stated at the time, surprised at the Senator's Speech—because I understood it to be for coercion, as I think it was by almost everybody else except, as we are now told, by the Senator himself; and I still think it amounted to a coercion speech, notwithstanding the soft and plausible phrases by which he describes it—a speech for the execution of the laws and the protection of the Federal property. Sir, if there is, as I contend, the right of secession, then, whenever a State exercises that right, this Government has no laws in that State to execute, nor has it any property in any such State that can be protected by the power of this Government. In attempting, however, to substitute the smooth phrases of “executing the laws” and “protecting public property” for coercion, for civil war, we have an important concession, *i. e.*, that this Government dare not go before the people with a plain avowal of its real purposes, and of their consequences. No, sir; the policy is to inveigle the people of the North into civil war, by masking the design in smooth and ambiguous terms. But the Senator is surprised that I, as a northern Senator, should have replied to him at all. It was because I was astonished that he, as a southern Senator, should make the speech he did. He is surprised that I, as a Democrat, should reply to him. It was because I was mortified that he, as a Democrat, should make the speech he did.

But in the very close of his speech, he referred to the northern Democrats, of whom I am one, and complimented us on our defence of southern rights, and urged that we should not be deserted by the secession of our southern friends. But then he left the inference very clear that we were to aid this Government, soon to be Black Republican, in enforcing the laws against what I believe to be the constitutional rights of the southern seceding States. Sir, I thought no time was to be lost in giving him and the country notice that we would do no such thing; that we were not going to be the tools, the hangmen, or the executioners of brethren for the gratification of fanatics; that we would not be their allies, or his allies, in the incendiary and unnatural scheme of desolating the South, our fellow-men and fellow-Democrats. As for the services which the Senator from Tennessee parades and recites, in the late presidential canvass in his State, so far as they were rendered to our party, or in any degree for my personal benefit, I am duly grateful; but I must be permitted to say, that if in his speeches in that contest he advanced such doctrines as he now proclaims, I am not so much surprised that we were defeated in that State. And as for the intimation of the Senator, that in replying to him the other day I acted at the instance of other Senators here, or persons elsewhere, or that I had any understanding or concert with them, it is utterly unfounded.

Now, sir, I want it distinctly understood, as I have already shown, that during the last session I stood firmly by the Davis

resolutions. I voted against every amendment. I voted against an amendment that he voted for, because I believed it was partial, and did not do justice. That Senator, with those declarations before him, supported the ticket on which I ran in Tennessee. He ought not to have deceived the people, or himself, and it was not my fault if he did; for he saw published in every paper here a telegraphic dispatch from me to one of the delegates from Oregon at Charleston, during the sitting of the Charleston convention. He asked me what Oregon should do; and in that dispatch I told him to go with the States that stood by the Constitution; to stand by them to the last. That was the basis on which I stood. The Senator knew what I said here; he knew the nature of my votes here; he knew what I said in that dispatch; he knew what I said in my speeches, and in the letter accepting the nomination. If he told the people that I was in favor of submitting to the rule of a party that would refuse justice and equality in this country, he deceived the people. I contend for the right, and will not submit to wrong. If the Senator, in his speeches in Tennessee, represented me as a submissionist to a wrong, to injury, to inequality, he presented me in a cowardly position, that I would not occupy for any consideration. I speak for myself. I say it is a position I would never occupy in Tennessee, Oregon, or anywhere else. I intend to stand by the right. If every man in every State should be servile enough to refuse to contend for their rights, I alone will contend for all they are entitled to; nothing more and nothing less.

The Senator on that occasion looked at me, pointed in my direction, and made remarks not becoming a Senator—remarks that have been too often made on this floor, and that no gentleman ever would make. He said he had struck treason a blow. The mighty Senator from Tennessee struck treason a blow! To whom did he allude? He said he saw the commotion on this side of the House; he saw the books being brought in; he saw that I was to reply to him. Sir, if the word "treason" was to be applied by him or any other man to me, I would say, you are a coward that cannot maintain it. Sir, I cannot express my contempt of the man who would so insinuate, even in thought. A drop of treason never ran in my veins. At an hour's notice, when working in a cornfield for the support of my family, when I heard that Indiana had been called on for troops, I offered my services; and I did not look upon my family from ten minutes after I had received the notice until I had gone through bloody battles; until I had carried home with me evidence of my devotion to the Union. Does the Senator dare to charge treason upon me? I think not; for no gentleman would have the temerity to do it. I might go on and say that I entered that service as a private, with my knapsack on my back, and I came home out of the service with the rank of Major General in the Army. I earned it on the battle-field. On the battle-field I lost almost the last drop of my blood without a murmur, in the service of my country.



Who, then, is he that would dare have the brazen effrontery to charge me with treason to my country—a country which I have loved from my infancy, which my father fought for, and which I have never failed to fight for myself? I never will fail to meet the foe of my country, or to bleed in her cause, while I am able.

Though my arm is not as strong as it once was, though my limbs may not be now supple or elastic as in youth, I am yet able, when my country shall need my services, to offer them; and I shall be the first to do it on any just occasion; but never against one of the States of this Union who has left it because justice has been denied to her. No, sir; never!

Then, sir, whom could the Senator from Tennessee refer to. Could he allude to my friend DAVIS? Sir, I saw *him* on the battle-field. I was looking right in his face when he was wounded. I saw a shudder pass over him as the bullet struck him, precisely at the side-end of his spur, and passed through the center of his heel. There was perceptible simply a shudder; but not a murmur; just a shudder for the instant, when struck by the bullet; but never, for a moment, did he lose sight of the enemy or the flag, but struggled on through the battle to the end, following the glorious stars and stripes, that emblem of the Union, that emblem of the Constitution, that emblem of protection to every State of the Confederacy under the Constitution, as gallantly as ever did mortal man; and yet upon this floor there are some base enough to allude to him as a traitor. Mr. President, I have not words to express my contempt for any man that can apply such a term to such a man as JEFFERSON DAVIS. JEFFERSON DAVIS a traitor! Treason applied to him! He, the purest and bravest of patriots! He fought for his flag and country when the cowards and poltroons that now dare villify him were supine at home. He will live glorious in history when they are earth and forgotten. Sir, this "treason" of our seceding brethren does not fall within the definition given by Hudibras to that crime; for the South *flourishes* and prospers. The people who have seceded from the Union, and have formed a government of their own, are charged with treason. I will tell gentlemen they will have more than ordinary difficulty to contend with when they invade the rights of that government. But to proceed with my argument.

Now, sir, in reference to that speech of the Senator, it was, as I regard it, an unnatural speech. It was a bad speech; and did more to strengthen the Black Republican party than all the speeches of all the Senators on the other side of the Chamber during this session. But for that speech, we should have had a settlement of the difficulty before this. It went to the country, and made the people believe that the "giant" Senator from Tennessee was for coercion. It was complimented and eulogized by the Republican press, and in pamphlet form circulated by hundreds of thousands throughout the North. And the distinguished Senator from New York speaks of him as the "noble" Senator from Tennessee. Noble for what? Noble for his abandonment

of the rights of the States; noble for the abandonment of the rights of his section; noble for aiding and assisting a party who refuse justice to the citizens of the South?

But the Senator from Tennessee proceeded with an air and tone of great triumph to bring forward my vote on the amendments proposed to the Davis resolutions. I think I have said all that it is necessary for me to say upon that subject. I have shown that I voted for them under all circumstances, and against every amendment. Those resolutions assert the right of property in the Territories, and that when the courts fail to afford protection, then it is the duty of Congress to come forward and provide that protection. I wished to put slave property upon the same footing as other property. That is where I then stood, where I now stand, and where I intend to stand. The Senator asks, with a kind of triumphant air, what has happened since that day? Mr. President, I have said that I have done all in my power, by standing firm to the resolutions agreed to by the Democratic party, to afford protection. The Senator misrepresented my vote on those resolutions. I never voted against the Davis resolutions, nor did their substitute ever come up as a separate proposition. It was an amendment to one of that series of resolutions I voted against; and I would vote against anything and everything that would embarrass their passage, for they contained just what I thought was right, and just what he did not vote for; but, as I have already shown, he voted to substitute instead thereof a proposition which was unsatisfactory and inadequate—neither satisfactory to me, to the Democratic masses and Representatives, nor to the South.

The Senator from Tennessee, with great exultation, asks, if protection was not necessary then, what has happened since to make it so, and to break up the Union for the want of it? What has happened since? Why, a thing has happened that never happened before. The denial of any and all protection to slave property in any and in all the territory; the denial of the right to take slave property to any of them has been proclaimed and affirmed at the ballot-box by a majority of the States and a majority of the electoral votes of this Union. And yet the Senator has the coolness to ask what has happened, and to make merry with the question, and have the sympathetic merriment of the Republican Senators. What has happened? Why, the thing has happened that has been three times before attempted, and three times before failed; the first attempt having endangered the formation of the Union, and the second and third its continuance. The first attempt was made in 1784, to exclude slavery from all the Territories. It was abandoned in 1787 by excluding it only from the territory northwest of the Ohio, leaving it to colonize that portion southwest of that river. The same thing was again attempted in 1820, as to the territory acquired from Louisiana; and after a terrible agitation, was abandoned by adopting the Missouri line. The third attempt was made in 1850, as to the



territory acquired from Mexico; and then also the Union narrowly escaped destruction; but the compromise measures were adopted. And now it comes again, but in a more formidable way than ever. A President has been elected on that issue; for the first time the people of the North, after all previous compromises and warnings, have voted on the question, and every northern State has pronounced for the spoliation; and there stood the Senator from Tennessee and asked, with an air of triumphant ignorance and exulting stupidity, what has happened?

Oh! but we are told that although the people of the North have so voted, and so elected, and thereby are about to seize the gigantic power of this Government to accomplish the flagitious design, they have not accomplished it yet. We must wait for the overt act!

What! if a man proclaims his intention to burn my barn, and I see him approach with a lighted torch, am I to wait for the overt act? If some military chieftain was about to bombard this splendid edifice, and had drawn out his artillery to lay these marble columns in ruins, and level yon proud dome with the ground, must we wait for the thing to be done? But if there are some people not quite so blind as not to see what has happened, and not quite so servile or so base as to wait until that still more splendid fabric, the Constitution, is falling in ruins around them, from the torches of frenzied fanatics, and amid their exultant shouts, but conclude to separate themselves from such brethren, they show that they at least know not only what has happened, but what would be likely to happen next, if they had no more perception nor foresight than the Senator from Tennessee.

But, we have been told by the Senator, as we have often been told by others, that the secession movement is a sudden and violent excitement, caused by the plans and harangues of artful and ambitious leaders; and that it must soon subside. A sudden and precipitate movement! Why, it is now more than twelve years since all the southern States, Tennessee included, decided by the almost unanimous vote of both parties in their Legislatures, that they would at all hazards, and to the last extremity, resist the adoption of the Wilmot proviso. Now, the North has resolved upon it by the unanimous vote of all her States, and has the power, according to the forms of the Constitution, to execute that resolve; and yet, for preparing at once to resist this aggression, three times solemnly attempted before, and three times before repulsed by the South, we are now told that the South is precipitate—is mad.

I know it is said that there are still some Senators and Representatives from the North in Congress who will oppose this Republican design, and that it may be ultimately defeated by their votes in connection with that of the South. But, in the mean time, the Chicago convention, with consummate cunning, declares that there is no right for slavery to go into the Territories; and hence, if it does go, the new Executive will afford it no protec-

tion if assailed; and it is well known that many of the supporters for the Presidency of the Senator from Illinois, (Mr. DOUGLAS,) who, together with the Republicans, make up a large portion of the North, also deny that slavery has any right to protection in the Territories; the decision of the Supreme Court, that it has the right to go there, to the contrary notwithstanding.

For the South, then, to wait would be to submit until her forts were armed and garrisoned against her, and the guns turned landward; to wait until her share of the public arms were placed in possession of her enemies; to wait until the Federal Army is stationed to act with promptitude to subdue her; to wait until Republican postmasters are stationed throughout her villages and cross-roads, to circulate the works of Greeley and of Helper; to wait until servile insurrection is organized; and all these things the President alone can do. The South is to wait for all this; while southern Senators sit, blind as moles and deaf as adders, or, having eyes, see not, and having ears, hear not the things that pertain to her temporal salvation.

Mr. President, perhaps the most signal instance of the evils of compulsory union between dissimilar people, is that of Ireland and England. The people of Ireland—the home and heritage of my ancestors—have, as the South has, a representation in the national Legislature; but being also, as the South is, in a minority in that body, have no power to protect themselves from the aggressions of England. The consequence is, that they have been excluded from the common benefits of British legislation, commercially, and even religiously, to say nothing of their exclusion from official station in the Empire. And, accordingly, Ireland has been impoverished, degraded, and discontented. She has been trampled upon, outraged, insulted, treated like Cinderella. The people of this country have always sympathized with the wrongs of Ireland, and her struggles for independence. Yet there is now a greater difference between the people of the South and of the North than between those of England and Ireland, and greater antagonism of opinion and feeling. Nevertheless, it is proposed to hold the South in political subjection to the North, and for that purpose to employ naval and military force.

Sir, I might mention many other cases; the subjection of Greece to Turkey; of Poland to Russia; of the Netherlands to Spain; Italy to Austria. In all these cases we have sympathized with, and, in many of them aided, the secession from the common government, by contributions and individual service. Yet those Governments were not founded on consent, and there was no compact conceding the right of secession.

And now, after I have shown that modern history abounds in such cases, and after proving that our opinions and sympathies have invariably been with the seceding parties, it is deliberately proposed and proclaimed that the northern section of this Union, so devoted to liberty, so exalted in civilization, so pure in morals, and devout in religion, shall imitate the most despotic policy of



England, Austria, Turkey, Spain, and Russia? Is it reserved for this enlightened age, and this land of the free, for that section which arrogates to itself the preëminence in piety and civilization, to show itself capable of imitating the worst crimes of the Governments of the Old World, to emulate the most atrocious examples of the very worst Governments, whether civilized or semi-barbarous? But, sir, while I have referred to the several cases of people heretofore undertaking to secede from oppressive Unions, I do not for a moment compare the ability of the South, or the probable issue of the impending struggle, to the cases cited. Not at all, sir. The southern States will not be conquered. They may be destroyed, but never subjugated. Let me beg the party who are soon to take charge of this Government to let the seceded States alone, and by no means to attempt to collect revenue in their ports; that would result in a bloody, terrible war; but, on the contrary, acknowledge the independence of the Confederate States of America, and treat with them as an ally and friendly nation.

Sir, in conclusion, whether the course the seceding States have seen fit to take be right or not, is a question which we must leave to posterity, and the verdict of impartial history. Our time will probably be more profitably employed in considering how we shall deal with secession than in discussing the causes which have produced it. Secession, right or wrong, justifiable or unjustifiable, is an accomplished fact; and it presents to us no less an alternative than that of peace or war. Sir, I believe that, in the general ruin which would follow coercive measures against the seceding States, all sections, all classes, all the great interests of the country, without any exception, would be involved. How much better, Mr. President, that, in so fearful a crisis as the present, instead of passing "force bills," and preparing for war, instead of "breathing threatenings and slaughter," and preparing implements of destruction to be used against our brethren of the South, how much better, I say, for ourselves, for posterity, for the cause of civil liberty throughout the world, that our thoughts should be turned on peace? Peace, not war, has brought our country to the high degree of prosperity it now enjoys. The energies of the people up to this time have been directed to the development of our boundless resources, to the mechanic arts, to agriculture, mining, trade, and commerce with foreign nations. Banish peace, turn these mighty energies of the people to the prosecution of the dreadful work of mutual destruction, and soon cities in ruins, fields desolate, the deserted marts of trade, the silent workshops, gaunt famine stalking through the land, the land, the earth cumbered with the bodies of the dying and the dead, will bear awful testimony to the madness and wickedness which, from the very summit of prosperity and happiness, are plunging us headlong into an abyss of woe.

Sir, in God's name, let us have peace. If we cannot have it in the Union, as it existed prior to November last, let us have it

by cultivating friendly relations with those States which have dissolved their connection with that Union, and established a separate government. Though we and they may not, and perhaps, in the nature of things, cannot live harmoniously under the same Government, it is our interest, no less than theirs, that we should at once endeavor to establish between our Government and theirs those amicable relations which should ever exist between two neighboring Republics. War, with its attendant horrors, being thus happily averted, the people of each Republic will be left at liberty to pursue, undisturbed, their several vocations. A mutually advantageous commerce will grow up between the two nations; treaties, such as regulate our intercourse with the Canadas, will be formed; confidence in all branches of business will be restored; a new impetus given to every variety of industry; the march of improvement accelerated, and the cause of humanity, of civilization, and of Christianity, advanced throughout the world. The people of Europe, accustomed to refer the settlement of their slightest differences to the bloody arbitrament of the sword, will behold with silent wonder and amazement the spectacle of a great people unable to agree in reference to one of their peculiar domestic institutions, peacefully separating, as did the patriarchs of old; resolving themselves into two distinct political communities, not hostile, discordant, beligerent: but each, animated with a spirit of generous rivalry towards the other, pursuing a more successful and prosperous career in its own chosen path, than when, united under the same Federal head, they painfully sought together the same common destiny.

Mr. President, we are living at a day and at a time when a northern sectional party have obtained possession of the power of this great Government, who have declared in their platform, in their speeches everywhere, and in their press, that slavery shall never go into another foot of territory; that no other slave State shall ever be admitted into this Union; that slavery shall be put in the course of ultimate extinction. We have the announcement of the party that the foot of a slave shall never press the soil of one of the Territories; that no new slave State shall be admitted; and, in addition to that, that no slave State shall go out of the Union. Who ever saw such a party as that? Who ever knew anything like it in the world before? They will not let slavery go into the Territories; they will not let a slave State come in; and they will not let one go out! They will not let them go out because they could not carry out their programme of placing slavery in the course of ultimate extinction. They want to keep the slave States in for their benefit—to foot the bills, to pay the taxes—that they may govern them as they see fit, and rule them against their will. Well, sir, I wish to say one word to that party, in all kindness; for I shall not trouble them again on this subject. I shall be a private, independent citizen before long. But I will say to that party, they had better change their tactics; they had better change front, and do it speedily. Let them



place themselves upon the high ground of right and justice, and adopt such amendments to the Constitution as will not only hold old Kentucky, which has produced the greatest "compromiser" of us all—that good old State where I was raised, and that I am proud of—but the other southern State also. I am afraid Republicanism will not do this. I know those old Kentucky people from terrace to foundation. They will endure much—very much—peaceably and quietly; but if they are goaded too far; if, by repeated wrongs, they are compelled to fight, then I would say to their enemy "beware!" There are chivalry and patriotism in Kentucky which is neither in the power of accident nor nature to subdue. You had better not press them too far. Do not drive them to the goal of last resort. Give them justice while you have it in your power to do so. Satisfy them that ultimately they shall have equality in this broken Government, or Union, if you will. But, sir, I leave the patching up of the Constitution to the distinguished Senator from Kentucky and other gentlemen, especially my friend from Pennsylvania, (Mr. BIGLER,) who has labored harder to patch up the Constitution than any man I ever knew, except my friend from Kentucky, and I wish him God speed in the work. Let it be upon just principles; let it be right; let us have justice; and I shall be content.

Now, Mr. President, I owe it to myself to say a few words upon another subject. I am sorry it is necessary; but the superciliousness of the honorable Senator from Tennessee in taking me to task the other day in a manner that I thought was unparliamentary, to say the least, on the subject of the navigation of the Mississippi river, renders it indispensable that I should do so. I desire to say but a few words relative to that point, and leave the Senate to decide between us. By the way, before I commence, I will say that I have been borne out in all I have said in relation to that matter by the action of Louisiana, and by the action of the confederated States. I look upon that government as one of the finest experiments on the face of the earth, or in the history of mankind, embodying the purest patriotism, the highest order of statesmanship, and the greatest amount of talent and administrative capacity that can be found among the same number of people in any Government on the face of the globe. They, by their action, have indorsed all that I said upon the subject of the navigation of the Mississippi river. The Governor of the State of Louisiana had the kindness, seeing what I said, and that the Senator from Tennessee had doubted the chivalry, the general honesty, and patriotism of the people of Louisiana, to send me—and I have had it here for the last two weeks, but have not had the opportunity of presenting it before—the ordinance of secession, and accompanying it a resolution on the subject of the navigation of the Mississippi river, which is in these words:

"Resolved, That we, the people of Louisiana"—

in their sovereign capacity, mark you; not a little whiskey insurrection, but the people in their sovereign capacity, as a State in convention assembled:

"Resolved, That we, the people of Louisiana, recognize the right of the free navigation of the Mississippi river and its tributaries by all friendly States bordering thereon. And we also recognize the right of ingress and egress of the mouths of the Mississippi by all friendly States and Powers; and we do hereby declare our willingness to enter into any stipulations to guaranty the exercise of said rights."

Since Louisiana has passed this resolution, the government of the confederate States, by its Congress, has passed a similar resolution, resolving, as they ought to do, and as I said they would do, that the navigation of the Mississippi river should be free to all friendly States, and free to all States bordering on it or its tributaries. But I will go into a little history of the Senator's remarks on the occasion of his last two days' speech. God save the country from such speeches!

Mr. President, the Senator from Tennessee expressed his disapprobation at what I said as to the navigation of the Mississippi, and misrepresented me, when he said that I spoke of the right to navigate the Mississippi, as if I had great familiarity with international law. I affected no such familiarity. What I did say, I spoke rather doubtingly, and I cannot understand how a mind not inclined to perversion could give such an interpretation to my words. His words I will read. Referring to me, with a marked manner, he said:

"He seemed to show great familiarity with international law."

In the next sentence he repeated this, and said:

"He spoke about it with great familiarity, as if he understood it well."

Now, sir, this is not the truth. I will here repeat the words which I used, that elicited the criticism of this new expounder of international law. I said:

"I believe it is recognized as the law of nations, as the law of all civilized nations, that a great inland sea, running through several Governments, shall be open equally to all of them."

I did not speak like a lawyer, confident in his knowledge, but I spoke rather doubtingly, and without assurance or pretence, and just as I felt became one who was not professionally informed. In relation to what I said as to the rule of national law, as applied to the Mississippi, I used the phrase "I believe," certainly not a presumptuous term. The Senator goes to work and ponders for several weeks over my speech, made without premeditation, and the speeches of other Senators, scrapes up as many fragments as possible for the manufacture of his own, and then comes into the Senate with what he thinks, no doubt, is a very learned display. With the air of a learned giant, burdened with wisdom and knowledge, he undertakes to rebuke me by a supercilious sneer at my alleged familiarity with international law. He assumes to rebuke me, also, for not knowing what he knew; which was, that the navigation of the Mississippi river had been the subject of negotiation for "years and years," as well as other rivers throughout the world. This was all very wise and very triumphant, if there were not two sides to the question. He quoted from Mr. Wheaton's Elements, in order to show, as I suppose, his own deep research in the matters of international law.



As usual, the Senator understood very little of what he quoted. He utterly missed the true point, and, of course, failed to state the case as it really stood.

Now, mark you, sir, I say, "I believe" I am right. I will state it, and I do so believing it will be understood, as I have heretofore represented it, and would be indorsed by professional men of eminence. As to the Mississippi having been the subject, for years, of negotiation, is a fact I was aware of. But, sir, notwithstanding the Senator's lengthy quotations, I think I can demonstrate to the satisfaction of others, if not to him, that my view of the question is correct. He has made a quotation at great length from Mr. Wheaton, which has no special application to this case, like most of the law quotations he selects.

I spoke of the law of nations, of course, as relative to the incidents of the subject-matter adverted to—an inland sea, (or great river,) under the circumstances of the Mississippi; of course, not under adverse circumstances. Rome once claimed the right to shut up the navigation of the entire Mediterranean; but such cases decide nothing. She held the control of its entrance. So, at one time, in a less enlightened day, Russia claimed despotic mastery over the mouth of the Danube. The other great river of western Europe, the Rhine, rising in Switzerland, passing France and Baden, Prussia, Belgium, and the Netherlands, was, under a less liberal policy of national law than now prevails, subject to tolls.

But, sir, what are the facts. Austria, and other powers, never conceded that Russia had the right of controlling the mouth of the Danube. In 1814, as I understand it—I may be wrong—the navigation was settled to be free. The demonstration of Russia afterwards, to change this, was resisted by Austria; and the other Powers of Europe interposed and prevented its disturbance, upon the ground that it was the true rule of national law, as between their Governments, that the river should remain free to its mouth. The same western powers, as I believe, further enforced that principle in the treaty which followed the capture of Sebastopol. The navigation of the Rhine was finally adjusted upon the same basis, as the true rule of national law under the circumstances, and as between the parties. When I say, therefore, an inland sea—or river, if you please—passing through several nations, is open to the navigation of all, it is not meant that any fixed and acknowledged right is to be violated. What is meant is simply that which is correspondent with the circumstances and the history of the case. If all the parties had claims, no greater nation possessing the mouth of the river, is at liberty, by a mere exercise of power, to violate those rights because of that power. In this sense has been established, and now exists, the rules of national law which govern the Danube and the Rhine. No tolls, I believe, are collected on either. A state of war, for the time being, suspends those rights, but does not abolish them.

Now, sir, as to the principles laid down among the highly civilized nations of Europe, at this day, as applicable to the Missis-



issippi, I am right, and he is wrong. He has no principles about it. He goes back to an old foggy land for his precedent. He is a long way behind the times, in my opinion, just as he was in relation to the rights of the southern States, and as he will be in relation to the action of his own. Now, sir, bear in mind this diagram of national principles, as I have tried to state it, and as now adjusted among the great Powers of western Europe, which is the great source of ascertaining national law, and it necessarily follows, that the States of this Confederacy—I believe I am right in that—having been equally interested with Louisiana in the navigation of the Mississippi, by the law of nations, they retain that equal right, and are not affected by a change of Government. It is such a right, as having been always equally enjoyed, it cannot be disturbed except in two ways: first, by treaty; and second, by war. The latter only suspends it. This, sir, is the explanation as I understand it, and as I believe it to be right. I hope the reporter will put down the words “I believe;” that is the word I intend to use on this subject. What a pageant—what a ridiculous pageant—has the Senator made by stuffing himself (it only took six weeks) with inapplicable scraps of law of learned length, as if specially to be exhibited before this Senate, to prove nothing, and to fit nothing. I, sir, will not deal in either innuendoes or irony; but I will plainly say that, if the Senator would quote only a little law, and understand all that little well, it would be better, immeasurably better, than to quote so much, and comprehend so very small a portion of what he does quote.

Now, Mr. President, I have paid all the attention to the attempt that was made to place me in the wrong that I deem necessary. I can only now repeat, in the conclusion of my speech, that neither the Senator from Tennessee, nor any other Senator, nor can any man, tell the truth and say that I have, by any vote, word, or act of mine, at any time or on any occasion, refused protection to all property alike in the Territories. I have made it a point always. Indeed, the doctrine of the equal right of property, whether slave or any other, in the Territories, and its equal right to protection, is as strong in me as life itself; I have never uttered a word against that principle; but I have said, upon all occasions, that that doctrine must be maintained, or this Union could not stand. I have fought for it; but as I said in the outset, while I deeply deplore the condition of the country, it has been caused by no act of mine. And with this remark, I part with him, who, in imitation of Esau, seeks to sell his birthright. I would, if there was time, give a little advice to all sides, to every Senator on this floor. I would say: Senators, come up to the great importance of this question; meet it; adopt, by a two-thirds vote—as we could do, if Senators would deal rightly—amendments to the Constitution, placing all the States upon an equality in the Territories, and on every other question; submit them to the people; and by such amendments I believe we could prevent, or stop, a further rupture of this Union.















LIBRARY OF CONGRESS



0 012 026 441 2

